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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,821	01/28/1999	JOSEPH PHILLIP BIGUS	R0998-238	5818

7590 11/15/2011  
STEVEN W ROTH  
IBM CORPORATION  
DEPARTMENT 917  
3605 HIGHWAY 52 NORTH  
ROCHESTER, MN 559017829

EXAMINER
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AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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11/15/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOSEPH PHILLIP BIGUS

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Appeal 2012-001912  
Application 09/238,821  
Technology Center 3600

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Before STEVEN J. BARTLETT, *Division 2 Support Manager*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on November 14, 2011. A Docketing Notice was mailed on November 15, 2011. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

**AFTER FINAL AMENDMENT NOT CONSIDERED**

An After Final Amendment was filed in this application on July 17, 2011. There is no indication in the record that the After Final Amendment was considered by the Examiner. The Examiner needs to determine if the After Final Amendment will or will not be entered, and notify Appellants of said entry or non-entry.

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to consider the After Final Amendment filed July 17, 2011;
- 2) to notify Appellant of the entry or non-entry of the After Final Amendment filed July 17, 2011; and
- 3) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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